IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI
and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10185 of 2004

Between:
M/s. Omnitrode Aditya Electrodes(P) Ltd. IDA, Bolaram, Medak District. rep by its Managing Director Sri P. Vasubabu

..... PETITIONER

AND

1 The Additional Commissioner (CT)(Legal), office of the Commissioner of Commercial Taxes, A.P. Hyderabad.
2 The Deputy Commissioner (CT)Legal, Nizamabad Division.
3 The Commercial Tax Officer, Medak Circle, Medak.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ, Order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 1st respondent in dismissing the stay petition by its other dt. 17-3-2004 without granting personal hearing to the petitioner as illegal, arbitrary and opposed to the Principles of Natural Justice and violative of Art. 14 of the Constitution of India.

For the Petitioner:MR.V.RAJAGOPAL REDDY, Advocate.

For the Respondents : GP FOR COMMERCIAL TAXES

The Court Made the Following :

ORDER : (Per Sri Bilal Nazki, J).

The only grievance of the petitioner in this Writ Petition is that before his application seeking stay was dismissed, he was not heard. With the consent of the learned Counsel for the parties, we are disposing of the Writ Petition itself at this stage.

It appears from the impugned order that the petitioner had sufficient notice to appear before the Additional Commissioner of Commercial Tax, but he did not choose to appear. He submits that his lawyer was busy somewhere else. Therefore, in the interest of justice, we remand the case back to the Additional Commissioner of Commercial Tax, to decide the matter after hearing the petitioner. The petitioner shall present himself before the Additional Commissioner on 29.06.2004 and the Additional Commissioner shall decide the matter on the same day. No further notice is required to be given to the petitioner or to the Department. Copy of this order be furnished to the learned Government Pleader for Commercial Tax by tomorrow, who will transmit it to the Additional Commissioner of Commercial Tax.

Writ Petition is accordingly disposed of. No costs.

ASST.REGISTRAR

//TRUE COPY//

SECTION OFFICER

ajr.

To

1 The Additional Commissioner (CT)(Legal), office of the Commissioner of Commercial Taxes, A.P. Hyderabad.

2 The Deputy Commissioner (CT)Legal, Nizamabad Division.

3 The Commercial Tax Officer, Medak Circle, Medak.

4 Two Copies to the Government Pleader for Commercial Taxes, High Court buildings, Hyderabad.

5 Two C.D. copies.